

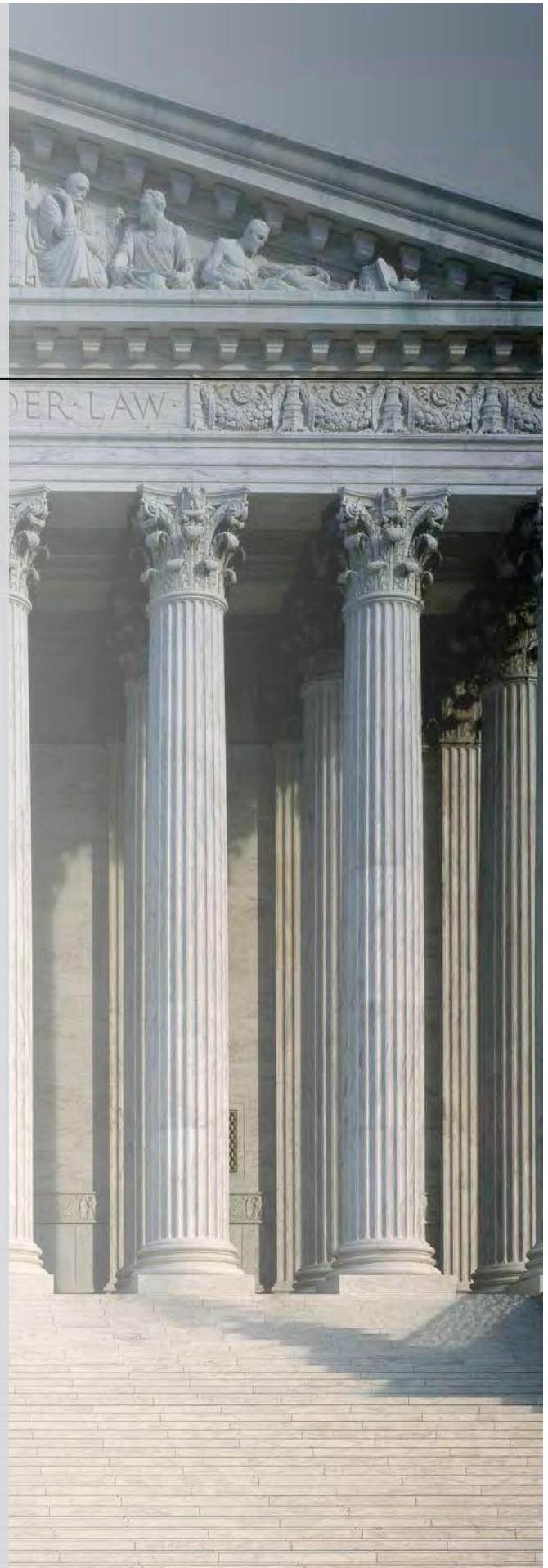


Mandatory State Bar Associations

Managing Keller

The following information regarding mandatory bars and how they manage Keller related activities was compiled by State Bar of Michigan between February 2014 and May 2014. This was a significant research initiative to support the Michigan Supreme Court Task Force on the Role of the State Bar of Michigan. As information was gathered, executive directors from several state bars expressed an interest in receiving this compilation of material. We are pleased to share this information with those who find it useful. Please note that the State Bar of Michigan does not update this compilation as policies and statutes change in various states. Users are encouraged to check with the state bars directly to learn of any relevant changes.

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Rule 14-103. Organization and management of the Bar.

(a) Qualification for admission. All persons who have been heretofore and all persons who shall hereafter be duly admitted to practice as an attorney at law in Utah, and who are not the subject of an order of the Supreme Court prior to July 1, 1993, or a district court thereafter which terminates, suspends or restricts the right to practice law in Utah, are qualified to be members of the Bar subject to the provisions of these rules.

(b) Board of Commissioners, number, term and vacancies, powers and duties.

(b)(1) There shall be a Board of Commissioners of the Bar consisting of no fewer than 13 but no more than 15 voting members, including 11 elected lawyers and two non-lawyers appointed by the Supreme Court. The initial term of office of one of the non-lawyer commissioners shall be for two years. Except as otherwise provided, the term of office of each commissioner shall be three years and until a successor is elected and qualified. If a lawyer vacancy on the Board occurs prior to the expiration of the completed term of office, the remaining commissioners shall:

(b)(1)(A) conduct a special election;

(b)(1)(B) appoint a successor from among the active members of the Bar whose business mailing addresses on the records of the Bar are in the division from which the commissioner was elected, who shall serve until the following annual election; or

(b)(1)(C) fill the vacancy through the next regular annual election.

(b)(2) If a lawyer vacancy on the Board is filled by either a special or regular election, the Board may establish the term of the successor to be either a one, two or full three-year term, provided that there would be not more than three but not fewer than two commissioners from the Third Division whose terms expire in any one year and not more than five but not fewer than four commissioners on the Board whose terms expire in any one year.

(b)(3) A President's unexpired Commission term shall be filled in the regular election cycle immediately preceding the time he or she succeeds to the office of President.

(c) The Board is granted and may exercise all powers necessary and proper to carry out the duties and responsibilities of the Bar and the purposes of these rules and shall have all authority which is not specifically reserved to the Supreme Court. The Court specifically reserves the authority to:

(c)(1) approve Bar admission and licensure fees;

(c)(2) approve all rules and regulations formulated by the Board for admission, professional conduct, client security fund, fee arbitration, procedures of discipline and disability, legislative activities, unauthorized practice of law, and Bar Examination review and appeals; and

(c)(3) establish appropriate rules and regulations governing mandatory continuing legal education.

(d) Territorial divisions. The First Judicial District shall be known as the First Division; the Second Judicial District shall be known as the Second Division; the Third Judicial District shall be known as the Third Division; the Fourth Judicial District shall be known as the Fourth Division; and the Fifth, Sixth, Seventh and Eighth Judicial Districts shall be known as the Fifth

Division.

(e) Number of lawyer commissioners from each division. There shall be one lawyer member of the Board from each of the divisions, except the Third Division from which there shall be seven lawyer commissioners. No more than one lawyer commissioner from any division except from the Third Division, and no more than seven lawyer commissioners from the Third Division, shall serve on the Board at the same time.

(f) Nomination and eligibility of lawyer commissioners. Lawyers whose business mailing addresses on the records of the Bar are in a particular division shall alone have the right to nominate persons for the office of commissioner from that division. To be eligible for the office of commissioner in a division, the nominee's business mailing address must be in that division as shown by the records of the Bar. Nomination to the office of commissioner shall be by written petition of ten or more members of the Bar in good standing. Any number of candidates may be nominated on a single petition. Nominating petitions shall be provided to the executive director within a period to be fixed by the rules made by the Board.

(g) Election of commissioners.

(g)(1) The lawyers on the Board shall be elected by the vote of the resident active members of the Bar as follows:

(g)(1)(A) in the year 1983 and every third year thereafter, one member from the Second Division and two members from the Third Division, except that in the year 1983 only, there shall be four members elected from the Third Division;

(g)(1)(B) in the year 1984 and every third year thereafter, one member from the First Division and three members from the Third Division; and

(g)(1)(C) in the year 1985 and every third year thereafter, two members from the Third Division and one each from the Fourth and Fifth Divisions.

(g)(2) The candidate from any division, and the three or two candidates from the Third Division, receiving the greatest number of votes of that division shall be the commissioner from such division. For the year 1983, the candidate from the Third Division receiving the fourth greatest number of votes shall be the commissioner for a two-year term. A member is limited to voting for candidates for commissioner from the division in which his or her business mailing address is located as shown by the records of the Bar. The ballots shall be returned to the Bar offices in accordance with its rules. There shall be an annual election by the resident active members of the Bar for the purpose of filling vacancies. The Board shall fix the time for holding the annual election and prescribe rules and regulations in regard thereto not in conflict with this chapter. The Board shall, in accordance with its rules, give notice of the annual election by mail at least 90 days prior to the date on which ballots will be counted.

(g)(3) Those persons holding office as commissioners at the time of the adoption of these rules or who were elected under the existing statute will continue in office for the period of time elected to serve.

(h) Nomination and election of president-elect. The Board shall nominate two lawyers in good standing on active status to run for the office of president-elect to be elected by the vote of the active members of the Bar. The president and the president-elect shall hold office until their successors are elected and seated. A secretary and such other assistants as the Board may require, may be selected from within or without the Board to hold office at the pleasure of

the Board and to be paid such compensation as the Board shall determine.

(i) Officers and organization of Board. The Board shall be organized and authorized to conduct business by the seating of elected commissioners, and a president and president-elect of the Bar. The president-elect for the previous year shall automatically succeed to the office of president. A president and a president-elect who are not elected commissioners have the authority to vote on matters brought before the Board. In the event of a tie vote, the matter at hand shall fail to pass.

(j) Annual and special meetings notice. There shall be an annual meeting of the Bar, presided over by the president of the Bar, open to all members in good standing, and held at such time and place as the Board may designate, for the discussion of the affairs of the Bar and the administration of justice. Special meetings of the Bar may be held at such times and places as the Board may designate. Notice of all meetings shall be given by mail to all members of the Bar not fewer than 15 days prior to the date of such meeting.

(k) Bylaws. The Board shall have power to adopt Bylaws, not in conflict with any of the terms of these rules, concerning the selection and tenure of its officers, the creation of sections and committees and their powers and duties, and generally for the control and regulation of the business of the Board and of the Bar.



Rule 14-106. Authority to engage in legislative activities.

Pursuant to Article VIII, Section 4 of the Utah Constitution, the Supreme Court hereby authorizes and directs the Board to engage in legislative activities.

(a) The Board is authorized and directed to study and provide assistance on public policy issues and to adopt positions on behalf of the Board on public policy issues. The Board is authorized to review and analyze pending legislation, to provide technical assistance to the Utah Legislature, the Governor of Utah, the Utah Judicial Council and other public bodies upon request, and to adopt a position in support of or in opposition to a policy initiative, to adopt no position on a policy initiative, or to remain silent on a policy initiative. The position of the Board shall not be construed as the position of the Court or binding on the Court in any way.

(a)(1) The Board's consideration of public policy issues shall be limited to those issues concerning the courts of Utah, procedure and evidence in the courts, the administration of justice, the practice of law, and matters of substantive law on which the collective expertise of lawyers has special relevance and/or which may affect an individual's ability to access legal services or the legal system.

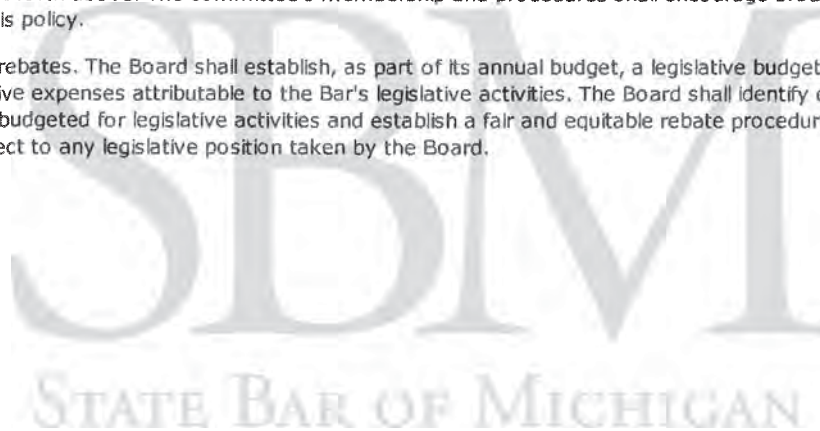
(a)(2) Public policy issues may be submitted to the Board for consideration in accordance with written procedures established by the Board.

(a)(3) The adoption of a Board position shall be in accordance with written procedures established by the Board.

(a)(4) The Board shall prepare and maintain a written record of the Board's positions on public policy issues and shall ensure reasonable notice and distribution to the members of the Bar.

(b) Governmental Relations Committee. The Board may establish a Governmental Relations Committee to assist in carrying out its responsibilities as set forth above. The committee's membership and procedures shall encourage broad participation and input and compliance with this policy.

(c) Legislative budget, rebates. The Board shall establish, as part of its annual budget, a legislative budget which shall include all reasonable administrative expenses attributable to the Bar's legislative activities. The Board shall identify each member's pro rata portion of the amount budgeted for legislative activities and establish a fair and equitable rebate procedure of that amount for Bar members who object to any legislative position taken by the Board.



Rule 14-202. Purposes of the Bar.

The purposes of the Bar are to:

- (a) advance the administration of justice according to law;
- (b) aid the courts in carrying on the administration of justice;
- (c) regulate the admission of persons seeking to practice law;
- (d) provide for the regulation and discipline of persons practicing law;
- (e) foster and maintain integrity, learning, competence, public service and high standards of conduct among those practicing law;
- (f) represent the Bar before the legislative, administrative and judicial bodies;
- (g) prevent the unauthorized practice of law;
- (h) promote professionalism, competence and excellence in those practicing law through continuing legal education and by other means;
- (i) provide service to the public, to the judicial system and to members of the Bar;
- (j) educate the public about the rule of law and their responsibilities under the law;
- (k) assist members of the Bar in improving the quality and efficiency of their practice;
- (l) to engage freely in all lawful activities and efforts, including the solicitation of grants and contributions that may reasonably be intended or expected to promote and advance these purposes; and
- (m) carry on any other business connected with or incidental to the foregoing objectives and purposes, and to have and exercise all the powers conferred under law of Utah upon corporations formed under the Utah Revised Nonprofit Corporation Act.



Rule 14-207. Finances.

(a) Annual licensing fees. The annual licensing fees to be paid each year by all members of the Bar shall be fixed by the Board with prior Supreme Court approval.

(b) Budget. The Board shall prepare a budget which shall be published for comment prior to final adoption. The Board shall adopt the budget at its first regular meeting following the reorganization meeting. No obligations shall be incurred unless within the limits of the budget and within the scope of the authorized objectives of the Board.

(c) Section dues.

(c)(1) Sections of the Bar may, with the approval of the Board, charge an annual membership fee in order to obtain the commitment of members to section activities and to provide revenue to carry out the purposes of the section. The amount of such membership fees shall be fixed by the section subject to the approval of the Board.

(c)(2) Funds raised by sections from membership fees shall be held by the Bar as separately identifiable funds of the sections, and disbursed to the sections as needed, to carry out the functions of the sections. Such funds shall not revert to the general Bar fund at the end of the budget year, but shall continue to be held as a separately identifiable fund.

(d) Disbursements.

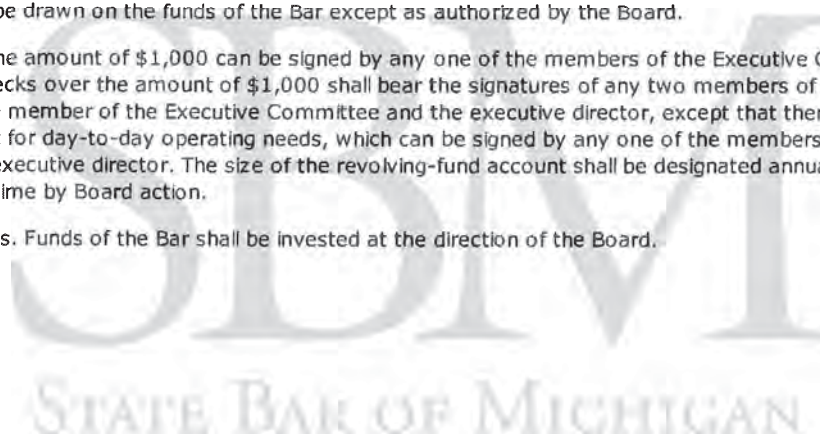
(d)(1) Funds of the Bar shall be disbursed only in accordance with the provisions of law and by these Bylaws, and at the direction of the Board.

(d)(2) Checking accounts shall be maintained with banks to be designated by the Board in such amounts as the Board shall determine.

(d)(3) No check shall be drawn on the funds of the Bar except as authorized by the Board.

(d)(4) Checks under the amount of \$1,000 can be signed by any one of the members of the Executive Committee or by the executive director. Checks over the amount of \$1,000 shall bear the signatures of any two members of the Executive Committee or any one member of the Executive Committee and the executive director, except that there shall be a revolving-fund account for day-to-day operating needs, which can be signed by any one of the members of the Executive Committee or by the executive director. The size of the revolving-fund account shall be designated annually by the Board and can be revised at any time by Board action.

(e) Investment of funds. Funds of the Bar shall be invested at the direction of the Board.



Lobbying Rebate and Tax Notice

Notice of Legislative Rebate

Bar policies provide that lawyers may receive a rebate of the proportion of their annual Bar license fee which has been expended during the fiscal year for lobbying and any legislative-related expenses by notifying Executive Director John C. Baldwin, 645 South 200 East, Salt Lake City, Utah 84111 or at jbaldwin@utahbar.org.

The amount* which was expended on lobbying and legislative-related expenses in the preceding fiscal year was 0.57 % of the mandatory license fees. Your rebate would total: Active Status – \$2.42; Active -- Admitted Under 3 Years Status – \$ 1.42; Inactive with Services Status – \$.85; and Inactive with No Services Status – \$.60.

Tax Notice

Pursuant to Internal Revenue Code 6033(e)(1), no income tax deduction shall be allowed for that portion of the annual license fees allocable to lobbying or legislative-related expenditures. For the tax year 2013, that amount is 0.57%* of the mandatory license fee.

*These amounts are updated annually as part of the Utah State Bar license renewal process.

